

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Plainfield Road, 650' N of
the c/l of Parkwood Road
(2606 Plainfield Road)
12th Election District
7th Councilmanic District
Barry L. Alderson, et ux
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-72-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Barry L. and Wilma J. Alderson. The Petitioners request relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required front yard average of 27.5 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners filed their request through the administrative variance process. However, at the request of the adjoining property owner, Floyd Wingfield, the matter was scheduled for a public hearing to determine the appropriateness of the variance.

Appearing on behalf of the Petition were Barry and Wilma Alderson, legal owners. Appearing as a Protestant in the matter was Floyd Wingfield, the adjoining property owner who requested a hearing.

Testimony indicated that the subject property, known as 2606 Plainfield Road, consists of 7,650 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners are desirous of adding a 10' x 18' addition to the front of the existing dwelling to enlarge the living room and bedroom. Testimony indicated that the Petitioners have outgrown their home and that the proposed addition is necessary to provide

more living space. Further testimony indicated that the front wall of the dwelling is rotted and must be replaced. The evidence presented indicated that the site of the proposed addition is the only feasible location due to the interior layout of the dwelling and the location of existing improvements on the property. In support of their request, the Petitioners submitted a statement from Albert Hudson, who resides on the adjoining property at 2604 Plainfield Road, which indicates he has no objections to the proposed improvements. The Petitioners also noted that the file contains a statement from Floyd Wingfield, the adjoining property owner on the other side and Protestant in this matter, which states that he has no objections to the proposed improvements.

However, notwithstanding the letter of approval contained in the file, Floyd Wingfield appeared in opposition to the Petitioner's request. Mr. Wingfield testified that he is opposed to the proposed addition to the front of the dwelling in that it might tend to block his wife's view out of their front window looking south along Plainfield Road. Mr. Wingfield also stated that he believes an addition on the front of this dwelling might decrease the value of his property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of December, 1992, that the Petition for Administrative Variance requesting relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required front yard average of 27.5 feet for a

proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING
Date 12/3/92
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21201

December 3, 1992

(410) 887-4386

Mr. & Mrs. Barry L. Alderson
2606 Plainfield Road
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Plainfield Road, 650' N of the c/l of Parkwood Road
(2606 Plainfield Road)
12th Election District - 7th Councilmanic District
Barry L. Alderson, et ux - Petitioners
Case No. 93-72-A

Dear Mr. & Mrs. Alderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Mr. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Mr. Floyd Wingfield
2608 Plainfield Road, Baltimore, Md. 21222

People's Counsel

File

Petition for Administrative Variance 93-72-A to the Zoning Commissioner of Baltimore County for the property located at 2606 Plainfield Road which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1 of the B.C.Z.R. TO PERMIT A FRONT YARD SETBACK FOR AN ENCLOSED ADDITION OF 20' IN LIEU OF THE REQUIRED FRONT YARD AVERAGE OF 27.5'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or prejudice (difficult))
To provide much needed room for our family and make repairs to the front wall of our home.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and am to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zipcode

A Public Hearing having been reported and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3rd day of December, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation, throughout Baltimore County, and that the property be reported.

Reviewed by: JLM DATE: 5-31-92 Zoning Commissioner of Baltimore County

ESTIMATED POSTING DATE

ITEM #:

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2606 Plainfield Road

Baltimore, Maryland 21222

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (state honestly or personal affidavit)

The front window of our residence leaks and has damaged the interior wall. We cannot afford to move but need additional space as we have a large family.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Barry L. Alderson *Wilma J. Alderson*
Barry L. Alderson Wilma J. Alderson
(Type or Print Name) (Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Barry L. Alderson and *Wilma J. Alderson*
Barry L. Alderson and Wilma J. Alderson
(Type or Print Name) (Type or Print Name)

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

29 August, 1992

NOTARY PUBLIC
My Commission Expires: 5/1/94

ZONING DESCRIPTION FOR (Address)

Beginning at a point on the Plainfield Road side of Plainfield Road (north, south, east or west) (name of street on which property fronts) which is 650' (number of feet of right-of-way width) wide at the distance of 0' (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street Plainfield Road (name of street) (number of feet of right-of-way width) (name of subdivision) as recorded in Baltimore County Plat Book 1168, Folio 192, containing 0.12 (number of total square feet or acres in lot) (number of total square feet or acres in lot) and located in the 12th Election District. (property address)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1274 Date of Posting: 9/13/92
Posted for: Kotroco
Petitioner: Barry & Wilma J. Alderson
Location of property: 2606 Plainfield Rd. (even) 12th & Rutland Rd
Location of Sign: Barry & Wilma J. Alderson
Remarks: None
Posted by: [Signature] Date of return: 9/18/92
Number of Signs: 1

CERTIFICATE OF POSTING
EDWARDS DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1224 Date of Posting: 10/21/92
Posted for: Veronica
Petitioner: Barry & Wilma Alderson
Location of property: 2606 Plainfield Rd., 650' N of c/l Parkwood Rd.
Location of Sign: Facing road & way, on property being zoned
Remarks:
Posted by: Michael Date of return: 10/23/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 16, 1992
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 15, 1992.

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 9-1-92 ACCOUNT: Capital
AMOUNT: 85.00
RECEIVED FROM: Barry Alderson
FOR: Residential
04A04N0074M1CHRC
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 10/11/92 ACCOUNT: 2606 Plainfield
AMOUNT: 40.00
RECEIVED FROM: HUNCKET WINGFIELD
FOR: 93-72-A REQUEST FOR HEARING
04A04N0033M1CHRC
VALIDATION OR SIGNATURE OF CASHIER

Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number: 11/2 hearing

93-72

Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 10/20/92

Barry and Wilma Alderson
2606 Plainfield Road
Baltimore, Maryland 21222

RE:
CASE NUMBER: 93-72-A
650' N of c/l Parkwood Road
2606 Plainfield Road
12th Election District - 7th Councilmanic
Petitioner(s): Barry Alderson and Wilma J. Alderson
HEARINGS: THURSDAY, NOVEMBER 12, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$77.25 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE "JACKER" SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl John

ARNOLD JARLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 2, 1992

(410) 887-3353

Mr. & Mrs. Barry L. Alderson
2606 Plainfield Road
Baltimore, MD 21222

RE: Item No. 93, Case No. 93-72-A
Petitioner: Barry L. Alderson, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Alderson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 31st day of August, 1992

Carl John
ARNOLD JARLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Barry L. Alderson, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)				09/21/92
Development Review Committee Response Form				
Authorized signature: <u>James A. Kennedy</u>				Date: <u>9/21/92</u>
Project Name	Waiver Number	Zoning Issue	Meeting Date	
Stonegate at Patapsco (Azreal Property)				
90476			6-1-92	
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
Meadow Parks Limited Partnership	84	8/14/92	Comment	
DED DEPRM RP STP TE				
/ Eugene Osborne, Sr.	85		NC	
DED DEPRM RP STP TE				
/ Barry L. And Wilma J. Alderson	93		NC	
DED DEPRM RP STP TE				
/ Edwin J. and Delores R. Thomas	94		NC	
DED DEPRM RP STP TE				
/ Stanley R. And Kathy L. Schall	95		NC	
DED DEPRM RP STP TE				
/ Claude N. and Gee Gee Z. Pfeffer	96		NC	
DED DEPRM RP STP TE				
COUNT 6				
/ Terry A. and Joan K. Greenwood	58	9/8/92	NC	
DED DEPRM RP STP TE (omitted in error)				
COUNT 1				
FINAL TOTALS				
COUNT 8				
*** END OF REPORT ***				

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # WOLK-422 (JCM)
ITEM 93

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 9/24/92
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro 985-8451 D.C. Metro 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 15, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 14, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Berry and Wilma Alderson, Item No. Work 22 ✓
Edwin and Delores Thomas, Item No. Work 23 ✓
Stanley and Kathy Schall, Item No. Work 24 ✓
Edward and Diana Hensler, Item No. 82 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMC/EM/rdn

09/21/92
Development Review Committee Response Form
Authorized signature *[Signature]* Date *9/21/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476
Waiver Number: ZON DED
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Meadow Parks Limited Partnership	84		8/14/92
DED DEPRM RP STP TE	N/C		
✓ Eugene Osborne, Sr.	85		
DED DEPRM RP STP TE	N/C		
✓ Barry L. And Wilma J. Alderson			
DED DEPRM RP STP TE	N/C		
✓ Edwin J. and Delores R. Thomas	94	N/C	
DED DEPRM RP STP TE			
✓ Stanley R. And Kathy L. Schall	95	N/C	
DED DEPRM RP STP TE			
✓ Claude N. and Gee Gee Z. Pfeffer	96	N/C	
DED DEPRM RP STP TE			

COUNT 6

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Terry A. and Joan K. Greenwood	58	N/C	9/8/92
DED DEPRM RP STP TE (omitted in error)			

COUNT 1
FINAL TOTALS
COUNT 8
*** END OF REPORT ***

09/21/92
Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature *[Signature]* Date *9/21/92*

Project Name: Meadow Parks Limited Partnership
File Number: COUNT 3
Waiver Number: 84
Zoning Issue: DEPRM RP STP TE
Meeting Date: 8/14/92

✓ Eugene Osborne, Sr.	85		
DED DEPRM RP STP TE			
✓ Barry L. And Wilma J. Alderson	93		
DED DEPRM RP STP TE			
✓ Edwin J. and Delores R. Thomas	94		
DED DEPRM RP STP TE			
✓ Stanley R. And Kathy L. Schall	95		
DED DEPRM RP STP TE			
✓ Claude N. and Gee Gee Z. Pfeffer	96		
DED DEPRM RP STP TE			

COUNT 6

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Michael and Patricia Perholtz	71		8/31/92
DEDPRM			
✓ Cheryl Blevins	73		
DEPRM STP			

COUNT 2

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Terry A. and Joan K. Greenwood	58		9/8/92
DED DEPRM RP STP TE (omitted in error)			
✓ John Dietsch	61		
DEPRM			

09/21/92
Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *[Signature]* Date *9/21/92*

Project Name: Meadow Parks Limited Partnership
File Number: COUNT 3
Waiver Number: 84
Zoning Issue: DEPRM RP STP TE
Meeting Date: 8/14/92

✓ Eugene Osborne, Sr.	85		
DED DEPRM RP STP TE			
✓ Barry L. And Wilma J. Alderson	93		
DED DEPRM RP STP TE			
✓ Edwin J. and Delores R. Thomas	94		
DED DEPRM RP STP TE			
✓ Stanley R. And Kathy L. Schall	95		
DED DEPRM RP STP TE			
✓ Claude N. and Gee Gee Z. Pfeffer	96		
DED DEPRM RP STP TE			

COUNT 6

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Terry A. and Joan K. Greenwood	58		9/8/92
DED DEPRM RP STP TE (omitted in error)			

COUNT 1
FINAL TOTALS
COUNT 7
*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: File
FROM: Charlotte Radcliffe
SUBJECT: CASE NO. 93-72-A
BARRY L. ALDERSON, ET UX - PETITIONERS

On December 28, 1992, an appeal request (short the filing fee) was received from the Protestant, Floyd Wingfield, of 2608 Plainfield Road.

Mr. Wingfield was notified in writing by Timothy Kotroco that he should "contact Ms. Radcliffe at 887-3351 immediately upon receipt of this letter for further information as to the appeals process and filing fees."

No further communication took place with Mr. Wingfield and, therefore, NO APPEAL WAS TAKEN in this case since the appropriate filing fee was never discussed or submitted.

/cer

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

January 4, 1993

(410) 887-4386

Mr. Floyd Wingfield
2608 Plainfield Road
Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Plainfield Road, 650' N of the c/l of Parkwood Road
(2606 Plainfield Road)
12th Election District - 7th Councilmanic District
Barry L. Alderson, et ux - Petitioners
Case No. 93-72-A

Dear Mr. Wingfield:

In response to your letter received December 28, 1992 concerning the decision made in the above-captioned matter, the following comments are offered.

I have reviewed the contents of your letter and find that the decision rendered in my Order issued December 3, 1992 is appropriate. Inasmuch as you indicated in your letter that you wish to file an appeal of my decision, I will, by copy of this correspondence, forward your letter to Ms. Charlotte Radcliffe in the Zoning Administration Office and ask that your request be considered timely. It is suggested that you contact Ms. Radcliffe at 887-3351 immediately upon receipt of this letter for further information as to the appeals process and filing fees.

Very truly yours,

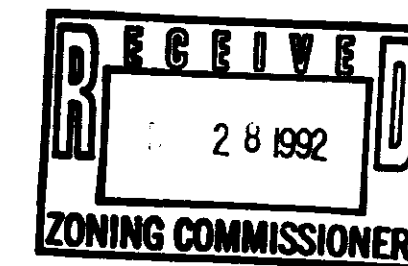
Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: Ms. Charlotte Radcliffe - ZADAM
People's Counsel
File

12/21/92

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore Co.
Suite 113 Courthouse
400 Washington Ave.
Towson, MD 21204



Re: Case No. 93-72-A

Dear Mr. Kotroco:

Please note that I am presently filing this appeal against your zoning variance decision in the above referenced case.

I am in receipt of your findings dated 12/20/92 and thank you for same. Also, please note that I especially take exception to the findings as noted in the paragraph as follows:

- Paragraph 4, line 3: beginning "Testimony indicated that the petitioners have outgrown their home, etc. ..." Please know that this dwelling is already a four bedroom home in which resides a family of three, Mr. & Mrs. Doreen L. Anderson and son, Scott, a full-time college student.
- Paragraph 4, line 4: concerning replacement of the rotted front wall. This type of damage requires repairs regardless of where the new wall is placed and therefore not pertinent to requested setback variance.
- Paragraph 4, line 7: concerning my filed statement which alleges that I have no objections to these specific proposed improvements. I arrived at this statement after Mr. Anderson indicated to me that he would be making

Re: Case No. 93-72-A
Page 2

only required repairs to the damaged front wall, and of course I had no objections to this and was happy to state same.

Mr. Kotroco, you cite Mehan vs. Soley, 270 Md. 208 (1973) and I feel that this case strongly supports my case. #1. "... prevent the use of property for a permitted purpose ..." As I have already stated, this is already a four bedroom dwelling in which three people reside. #2. "... substantial injustice to applicant as well as other property owners ..." Mr. Kotroco, I submit that this variance would be a terrible injustice to me and my wife as Mr. Anderson has already taken over view and back in the back of the house because he has been allowed to build, i.e., pool, garage, shed, tall privacy fence, on the back of his property. Please see enclosed photographs. #3. It goes without saying that public safety will not be altered, however, the welfare of my wife must and will remain dear to me.

Mr. Kotroco, #2 of Mehan vs. Soley also speaks of a lesser relaxation than that applied to, and I have no real objections to anyone improving his home, therefore, I am hoping a more comparable agreement can be reached. My wife has a fatal illness and it is my real and only concern that my wife be happy and comfortable for whatever time she has remaining. I truly believe that to allow this variance to go through as stands would severely diminish her view, her comfort and her quality of life.

I can only hope that you will agree with me that by disallowing Mr. Anderson's exact variance that you will neither greatly improve or improve the Anderson's quality of life while this matter is of the utmost importance to me and my wife.

Re: Case No. 93-72-A
Page 3

Thank you for your time and attention to this matter
and I will await your decision.

Sincerely:

Floyd Wingfield
2608 Plainfield Road
Balt. MD 21222

FW/jb
enc.

TARIQUE A. FIROZVI, M.D., P.A.
223 Eastern Blvd.
Baltimore, Maryland 21221
Telephone 284-2400
Nov. 11, 92

Ref: Margaret Wingfield

To Whom It May Concern:

Ms. Wingfield is under my care. She is totally bedridden. She has Diabetes Mellitus, unstable Angina, and severe Rheumatoid Arthritis. She is not able to come to my office. Instead I see her at her home. Please excuse her from leaving her home.

Thanking you for your consideration. If I can be of any further assistance please contact my office.

Sincerely:

Tarique A. Firozvi, M.D., P.A.

REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 93-72-A
Petitioner(s): MR. ALDERSON
Location: 2606 PLAINFIELD RD

FLOYD WINGFIELD
I am, MARGARET WINGFIELD
(Petitioner)

Legal Owner (U.S. Residents, of

2608 PLAINFIELD RD

BALTIMORE MD 21222 282 6648
City/Township/State

which is located approximately 10 FT feet from the
property which is the subject of the above petition, do hereby formally
request that a public hearing be set in this matter.

Floyd Wingfield 9/30/92
Signature Date

Margaret Wingfield 9/30/92
Signature Date

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 6, 1992

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-72-A
6/8 Plainfield Road, 650' N of O/I Parkwood Road
2606 Plainfield Road
12th Election District - 7th Councilmanic

Petitioner(s): Barry Alderson and Wilma J. Alderson

HEARING: THURSDAY, NOVEMBER 12, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a front yard setback for an enclosed addition of 25 feet in lieu of the required front yard average of 27.5 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Barry and Wilma Alderson
Floyd and Margaret Wingfield

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 2, 1992

Barry and Wilma Alderson
2606 Plainfield Road
Baltimore, Maryland 21222

Re: CASE NUMBER: 93-72-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in the Jeffersonian newspaper. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
Baltimore County, Maryland

August 29, 1992

93-72-A

Albert R. Hudson, Jr.
2604 Plainfield Road
Baltimore, Maryland 21222

To Whom It May Concern:

I, Albert R. Hudson, Jr., residing at 2604 Plainfield Road, state that I have no objections to my neighbors at 2606 Plainfield Road adding approximately ten (10) feet to the front of their home.

Sincerely,

Albert R. Hudson Jr.
Albert R. Hudson, Jr.
2604 Plainfield Road

93-72-A

August 29, 1992

Floyd Wingfield
2608 Plainfield Road
Baltimore, Maryland 21222

To Whom It May Concern:

I, Floyd Wingfield, residing at 2608 Plainfield Road, state that I have no objections to my neighbors at 2606 Plainfield Road adding approximately ten (10) feet to the front of their home.

Sincerely, Floyd Wingfield

Floyd Wingfield
2608 Plainfield Road

TO FILE:

8-31-92

Petition put on notice of required
"original" signatures on Petition forms
and apparent photo-copy ~~quality~~
quality of several submitted. Petition
requested they were originals; also insisted
on filing those enclosed. Joe M.

93-72-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

SEPTEMBER 15, 1992 (410) 887-3353

Berry and Wilma Alderson
2606 Plainfield Road
Baltimore, Maryland 21222

Re: CASE NUMBER: 93-72-A
LOCATION: 1/8 Plainfield Road, 650' W of c/l Backwood Road
2606 Plainfield Road
12th Election District - 7th Councilmatic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before September 20, 1992. The closing date is October 5, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmitt
Lawrence E. Schmitt
Zoning Commissioner, Baltimore County

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PROPERTY ADDRESS: 2606 PLAINFIELD ROAD PLAT TO ACCOMPLISH PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

DIVISION NAME: LYNBROOK
AT BOOK # 16, FOLIO 32, LOT 9 SECTION 1
NER: BARRY & WILMA ALDERSON

93-72-A

WIRE FENCE
METAL BLDG. (8.5' x 10')
CELLAR ENTR.
2.5' x 1.5' ALUM. SHED (6' x 8')
4.5' x 5' SHED
EXISTING DWEL. NO. 2608
EXISTING DWEL. NO. 2604
CONC. BRICK PORCH
CONC. BRICK PORCH
LOT 10
LOT 9
LOT 8
650' TO 6 CF
PARK WOOD RD.

LOCATION INFORMATION
COUNCILMANIC DISTRICT: 7
ELECTION DISTRICT: 12
1" = 200' SCALE MAP#:
ZONING: D95.5
LOT SIZE: 0.22 AC. 7650' SQUARE FEET
PUBLIC PRIVATE
SEWER ☒ ☐
WATER ☒ ☐
CHESAPEAKE BAY CRIT. AREA ☒ ☐
PRIOR ZONING HEARINGS: NONE
ZONING OFFICE USE ONLY!
FILE # ITEM# CASE#

PETITIONER'S EXHIBIT 1

93-72-A

PETITIONER'S EXHIBIT 2

93-72-A

